

REMARKS

By this Amendment, the specification and figures are amended to address the objection to the drawings. New claim 10 is added to more fully disclose the claimed invention and is patentable over the cited prior art of record for at least the reasons asserted herein.

Claims 1, 2 and 6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hakansson (US 6,928,976) and Jones (US 5,926,018), claims 4 and 5 have been rejected as obvious from Hakansson, Jones and Reininger (20030030431), claims 3 and 7 have been rejected under 35 U.S.C. 103(a) based on Hakansson, Jones and "Hall Effect Sensing and Application" by Honeywell (hereafter "Honeywell"), claim 8 has been rejected based on Hakansson, Jones, Honeywell and Diong (US 20020165953), claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Hakansson, Jones, Honeywell, Diong and Melgaard et al. (US 3,872,473; hereafter "Melgaard").

Applicants traverse the obviousness type rejections because the cited prior art references fail to disclose, teach or suggest all the features recited in the rejected claims. Additionally, Hakansson is not analogous art that may be used to support an obviousness type rejection for the present invention.

CITED PRIOR ART FAILS TO TEACH OR SUGGEST ALL FEATURES CLAIMED IN THE REJECTED CLAIMS

The Office Action recognized that Hakansson fails to disclose, teach or suggest the claimed arrangement that includes "a sensor part which is located outside of the at least one wall that defines the pressurized space corresponding at least one feeder and comprises a fixed permanent magnet to generate a magnetic field, and a sensor for detecting movement of the magnetizable piston." However, the Office Action asserted that Reininger remedied this issue by disclosing this feature (as explained on pages 4-5 of the Office Action).

Jones fails to remedy these deficiencies of Hakansson because Jones merely provides a device in which a piston uses a mechanical contact when co-operating with magnetic part, i.e., magnet 110 that has been attached to a coupling socket 114. The coupling socket 114 is a part of a movement monitoring unit/sensor 100. That coupling socket 114 includes a rod 116, which is in direct mechanical contact with the piston 103 moving in the spool bore 103a; thus, the rod 116 extends into the spool bore 103a. Accordingly, as shown in Fig. 2 of Jones,

the piston 103 moves the rod 116 (by virtue of the coupling socket 114) to the left against the force created by spring 120. The rod 116 then moves back by the force of the spring.

Thus, Jones' sensor 100 is not located "outside of a pressurized space" as described in rejected claim 1. Rather, in Jones, a part of the sensor 100 extends into the pressurized space because the rod 116 extends through the wall into the spool bore 103a so that a direct mechanical contact with the piston 103 is possible. (See, e.g., Jones Figures and 3:1 onwards). Jones describes a sensor which is partly located within the pressurized space.

Accordingly, Jones fails to teach or suggest the claimed sensor part which is located outside of the at least one wall that defines the pressurized space.

It is also worth noting that reference number 5 in Hakansson is not a feeder but is actually a level pipe that defines an optimum oil level in the sump (See, e.g., 5:40-57 of Hakansson). Thus, the level pipe 5 in Hakansson's engine sump has nothing to do with feeders used in circulation lubricant systems. Accordingly, one of ordinary skill in the art would have recognized that Hakansson's level pipe could not be used as a feeder.

Due to the deficiencies of Jones and Hakansson, and the fact that the other applied prior art references similarly fail to address the above-noted deficiency, Applicants submit that claims 1-9 are patentable over the cited prior art.

HAKANSSON IS NOT ANALAGOUS ART TO THE PRESENT INVENTION
AVAILABLE TO SUPPORT AN OBVIOUSNESS TYPE REJECTION

Applicants further traverse the obviousness type rejections of the pending claims because the base reference, Hakansson, is non-analogous art to the present invention.

In fact, Hakansson merely describes a system for topping up an internal combustion engine with lubricant, i.e., Hakansson relates to a "dry-sump" oil circulation of an internal combustion engine. Such "dry-sump" oil systems have been conventionally known throughout the truck world and also the automotive racing world since the mid 1960's. As a result, Hakansson is significantly different from a technical standpoint from central lubrication systems as the claimed invention. In fact, combustion engine oil systems are conventionally considered as a field of its own.

Thus, it is conventionally known that a truck may have both a "dry-sump" oil system in the engine and also a "central lubrication system," for example, for bearings and other parts to be lubricated. That central lubrication system would have nothing to do with the dry-sump oil system of the truck's engine.

It is also possible to replace a truck's "dry-sump" oil system engine with an engine using a traditional oil system with a "normal oil sump," etc. In fact, automotive manufactures have often conventionally offer parallel models of vehicles, i.e., one with a "dry-sump" engine and the other with an engine having a traditional oil system. The choice between the engines depends on the requirements of the customer, i.e., one engine is better suited for certain circumstances than another. However, the choice of the type of engine has nothing to do with the central lubrication system used, for example, in the vehicle in question.

One of ordinary skill in the art would have recognized that that Hakansson's teachings on oil systems of internal combustion engines could not be used to provide claimed lubricant feeder. This is because internal combustion engines always need continuous lubricant circulation and that is the reason why lubricant is continuously circulated in the engine and no feeders using pistons are used. Accordingly, lubrication in internal combustion engines is a technical field of its own, which is quite different from central lubrication systems, as disclosed in the subject application. Thus, Hakansson relates to a different technical field as the present invention, i.e. Hakansson relates to oil systems of internal combustion engine.

In view of the above, it is submitted that all of the claims are in condition for allowance and such action is respectfully requested. If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned at (202) 371-6371 so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 02-1010 (44655-324916).

Respectfully submitted,
BARNES & THORNBURG LLP

/ Christine H. McCarthy /

Christine H. McCarthy
Reg. No. 41,844

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